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reasonably apprehended or guarded against. Whether or not, under the circumstances of this case, we apply the term 'trespasser' to one of the plaintiff's years, he was certainly a wrongdoer, who, but for his acts of wrongdoing, would not have been injured."

Although the view taken in the case of *Temple v. Electric Light Co.* (*supra*) seems to throw a very heavy burden on corporations dealing in electricity, yet, it is submitted, it seems sound. The ultimate question raised is whether to place upon parents of young children the duty of keeping them indoors, or of allowing them to play outdoors after first thoroughly grounding them in the law of technical trespass and its consequences, and endeavoring to stifle their natural instincts to climb trees and wander on unenclosed premises, or to place upon the public utility corporation handling such a dangerous thing as electricity the duty of anticipating that children may meddle with the wires carrying it where such wires are within their reach. If we look upon the law as a system of rules for human conduct in the ordinary affairs of life, it would seem that in formulating that system account must be taken of the fact that the same degree of care cannot be expected from children who are quite young as from those who are more mature in years, or from adults. This is apparently the view of the courts of last resort in Pennsylvania in dealing with public utility corporations handling electricity respecting the liability of the latter to children injured by coming in contact with defectively insulated wires, and it is submitted that it seems to be economically and legally sound.

ATTORNEY'S LIEN AND RIGHT OF ACTION FOR COMPENSATION.

In the recent English case of *In re Road Rapid Transit Co.*,¹ the rule concerning a solicitor's lien on documents was fully stated. One Neely acted as solicitor of a company and was also retained by the liquidator thereof, who subsequently discharged him and appointed another, to whom the liquidator required that Neely hand over the documents relating to the action, which had come into Neely's hands before and after the order for winding up the company. The Court held that the solicitor had acquired a valid lien on documents that came to his hands before the winding up order, which could not be defeated by

¹ L. R. 1909, 1 Ch. Div. 96.

the order, but that he had acquired no available lien on documents that had come into his hands after the winding up order.

In England an attorney or solicitor has possessory and charging liens for compensation for his services. He has a general lien on all moneys of his client that come into his possession, unless for a specific purpose.² He has a general lien³ also on documents that come into his possession in his professional capacity,⁴ for professional services. This lien does not, however, extend to testamentary papers,⁵ public records, or papers acquired during the liquidation of a company. This lien is passive and gives no right of sale or foreclosure. The documents can be forced to be delivered up by the client or those claiming through him only when the attorney has discharged himself and in some cases of great urgency, when the lien will be protected. But if the party seeking the production of the document be a stranger, the attorney can not resist on the ground of his lien.⁶ The above liens are possessory and are lost by a voluntary surrender of possession.

In England there is also an attorney's lien on funds, assertable against the client and those claiming through him.⁷ This is a charging lien and is a claim to equitable interference by the court to have held as security for the attorney's costs the judgment recovered at the close of the proceedings in which the services were rendered. This lien is special and covers only the services resulting in the judgment. This lien attaches to whatever is due the client at the close of the proceedings, with the exception of realty,⁸ or trust property administered out of court, or the funds of a company wound up by the court. This equitable interference will be exercised whenever the attorney has given the opposite party notice of his lien, or, if there is fraud between the parties, in the absence of notice. The opposite party then pays the client or releases his claim without the consent of the attorney at his peril.⁹ This lien cannot, however, prevent a *bona fide* compromise. If such a compromise is made the lien attaches to payments made

² *Re Phoenix Life*, 1 H. & M. 433.

³ *Ex parte Nesbitt*, 2 Sch. & Lef. 279.

⁴ Atkinson, *Solic. Liens*, Ch. III.

⁵ *Balch v. Symes*, Turn. & R. 92.

⁶ *Hope v. Liddell*, 7 D. M. & G. 331.

⁷ Atkinson, *Solic. Liens*, Ch. II.

⁸ *Shaw v. Neale*, 6 H. L. Ca. 581.

⁹ *Ross v. Buxton*, 42 Ch. Div. 190.

under it. The lien on funds can be lost by waiver, the attorney's discharge of himself, or neglect.

Beside the above liens, an attorney can obtain from the proper officer of the court a taxing order, which is in the nature of a judgment and can be similarly enforced. He can also bring action for his bill, whether taxed or not, one month after delivery.

In the United States a member of any branch of the legal profession has possessory and charging liens similar to those allowed in England to solicitors and attorneys. So there is a possessory lien on legal documents¹⁰ and on moneys that come into the attorney's hands.¹¹ This, however, does not extend to a will, public records, or money received for a specific purpose. So, also, an attorney in the United States has a charging lien, which is an equitable right to be paid for his services out of the proceeds of the judgment obtained by him.¹² In such a case the attorney is regarded as the equitable assignee of the judgment. There is a conflict of jurisdictions as to whether notice to the judgment debtor is necessary to enforce this lien in the United States, some jurisdictions holding that actual notice is necessary,¹³ and some holding that pendency of the suit is sufficient notice as against the judgment debtor.¹⁴ Attorneys' liens in the United States can be lost just as in England.

An attorney in the United States can also recover compensation for services rendered under an express or implied contract. In some jurisdictions he must deliver an itemized bill of costs one month before the suit.

LIMITS OF STATE CONTROL OF FOREIGN CORPORATIONS.

The Supreme Court of the United States has recently held constitutional¹ a statute of the State of Arkansas which prohibits any individual, corporation, etc., from entering into a "pool or combination, whether the same is made in this State or elsewhere," with any other individual, corporation, etc., "to regulate or fix, *either in this State or elsewhere* the price of

¹⁰ *McPherson v. Cox*, 96 U. S. 404.

¹¹ *Sparks v. McDonald*, 41 Atl. 369.

¹² *Torney v. Wilson*, 45 N. J. L. 282.

¹³ *Patrick v. Leach*, 3 Fed. 433.

¹⁴ *Newbert v. Cunningham*, 50 Me. 231.

¹ *Hammond Packing Co. v. Arkansas*, 29 Sup. Ct. Rep. 378 (1909).